

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:**     **CHAIRMAN RON STOKER**, on January 21, 2009 at 9:00  
A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Deborah Kottel, Vice Chairman (D), Rep.  
Ken Peterson, Vice Chairman (R), Rep. Bob Ebinger (D).

**Members Absent:** None.

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Executive Action:     HB 133; HB 175; HB 216

**EXECUTIVE ACTION ON HB 133**

00:01:06 **Motion:** Rep. Kerns moved that **HB 133 DO PASS.**

**Discussion:**

00:01:07 Chairman Stoker

**EXHIBIT(juh14a01)**

00:03:07 **Motion:** Rep. Sands moved that **HB 133 BE AMENDED.**

**Discussion:**

00:03:17 Chairman Stoker

00:03:38 Rep. Sands called the question.

00:03:42 Rep. Regier

00:03:48 Chairman Stoker

00:03:51 Rep. Regier

00:04:03 Chairman Stoker

00:04:23 Amy Pfeifer, Child Support Enforcement Division

00:06:30 Chairman Stoker

00:06:35 Ms. Pfeifer

00:06:52 Chairman Stoker

00:06:58 Rep. Howard

00:06:59 Rep. Peterson joined meeting.

00:07:04 Chairman Stoker

00:07:15 Rep. Howard

00:08:10 Chairman Stoker

00:08:31 Ms. Pfeifer

00:10:04 Chairman Stoker

00:10:06 Rep. Howard

00:11:06 Chairman Stoker

00:11:18 Ms. Pfeifer

00:11:37 Chairman Stoker

00:12:11 Ms. Pfeifer

00:12:54 Chairman Stoker

00:12:57 Rep. Menahan

00:13:08 Chairman Stoker

00:13:09 Rep. Menahan

00:13:19 Ms. Pfeifer

00:13:24 Rep. Menahan

00:13:47 Ms. Pfeifer

00:14:16 Chairman Stoker

00:14:19 Rep. Peterson

00:14:58 Chairman Stoker

00:15:01 **Substitute Motion:** Rep. Becker made a substitute motion **TO SEGREGATE AMENDMENT 2** (refer to Exhibit 1).

**Discussion:**

00:15:21 Chairman Stoker

00:15:50 Rep. Becker

00:16:00 Chairman Stoker

00:16:10 **Vote:** Substitute motion **TO SEGREGATE AMENDMENT 2**  
carried 15-3 by voice vote with Rep. Sands, Rep.  
Peterson, and Rep. Menahan voting no. Rep. Kottel and  
Rep. Ebinger voted by proxy.

00:16:34 **Motion:** Rep. Becker moved that **HB 133 BE AMENDED**  
(refer to Exhibit 1, Amendment 2).

**Discussion:**

00:16:51 Chairman Stoker

00:17:49 Rep. Becker

00:17:55 Chairman Stoker

00:18:18 Rep. Becker

00:18:23 Chairman Stoker

00:19:06 Rep. Warburton

00:19:08 Rep. Stoker

00:19:09 Rep. Warburton

00:19:23 Chairman Stoker

00:19:24 Rep. Warburton

00:20:06 Chairman Stoker

00:20:15 Rep. Warburton

00:20:37 Chairman Stoker

00:21:06 Rep. Warburton

00:21:29 Chairman Stoker

00:21:55 Ms. Pfeifer

00:23:12 Chairman Stoker

00:23:27 Rep. Warburton

00:23:31 Chairman Stoker

00:23:45 **Substitute Motion:** Rep. Peterson made a substitute  
motion that **HB 133 BE AMENDED** (refer to Exhibit 1,  
Amendments 1, 3, and 4).

**Discussion:**

00:24:03 Chairman Stoker

00:24:09 Rep. Kerns called the question.

00:24:12 Chairman Stoker

00:24:22 Rep. Warburton

00:24:25 Mr. Niss

00:24:49 Chairman Stoker

00:24:52 Mr. Niss

00:26:14 Rep. Peterson

00:26:16 Chairman Stoker

00:27:46 Rep. Peterson

00:27:55 **Vote:** Motion that **HB 133 BE AMENDED** (refer to Exhibit 1, Amendments 1, 3, and 4) carried unanimously by roll call vote. Rep. Kottel and Rep. Ebinger voted by proxy.

00:28:06 **Motion:** Rep. Peterson moved that **HB 133 BE AMENDED** (refer to Exhibit 1, Amendment 2).

**Discussion:**

00:28:08 Chairman Stoker

00:28:57 Rep. Howard

00:29:07 Chairman Stoker

00:29:19 Rep. Sands

00:29:25 Rep. Howard

00:29:29 Rep. Sands

00:25:54 Chairman Stoker

00:26:00 Rep. Kottel joined meeting.

00:29:32 Chairman Stoker

00:29:49 Rep. Peterson

00:30:03 **Vote:** Motion that **HB 133 BE AMENDED** (refer to Exhibit 1, Amendment 2) carried 11-7 by roll call vote with Rep. Bennett, Rep. Wagner, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Howard, and Rep. Warburton voting no. Rep. Ebinger voted by proxy.

00:31:30 Chairman Stoker

00:31:40 **Motion:** Rep. Peterson moved that **HB 133 DO PASS AS AMENDED.**

**Discussion:**

00:31:47 Chairman Stoker

00:31:55 **Substitute Motion:** Rep. Warburton made a substitute motion **TO STRIKE SUBSECTION (2) (f)** of Amendment 4 (refer to Exhibit 1).

**Discussion:**

00:32:24 Chairman Stoker

00:32:45 Rep. Warburton

00:33:21 Chairman Stoker  
 00:33:45 Rep. Warburton  
 00:33:50 Chairman Stoker  
 00:33:54 Rep. Warburton  
 00:34:12 Chairman Stoker  
 00:34:31 Rep. Warburton  
 00:34:48 Chairman Stoker  
 00:35:15 Rep. Warburton  
 00:35:22 Chairman Stoker  
 00:36:26 Ms. Pfiefer  
 00:37:56 Rep. Peterson  
 00:37:57 Chairman Stoker

00:37:58 **Substitute Motion:** Rep. Peterson made a substitute motion that **THE VOTE ON HB 133 BE DELAYED.**

**Discussion:**

00:38:27 Chairman Stoker  
 00:39:01 Rep. Driscoll  
 00:39:19 Chairman Stoker  
 00:39:22 Mr. Niss  
 00:39:32 Chairman Stoker  
 00:39:39 Rep. Sands  
 00:40:12 Chairman Stoker  
 00:40:26 Rep. Peterson reiterated substitute motion to delay action on HB 133.  
 00:40:49 Chairman Stoker  
 00:41:09 Rep. MacDonald  
 00:41:30 Chairman Stoker  
 00:42:32 Rep. Sands called the question.

00:42:34 **Vote:** Substitute motion **TO DELAY ACTION ON HB 133** carried 17-1 by roll call vote with Rep. Driscoll voting no. Rep. Ebinger voted by proxy.

00:44:04 Chairman Stoker

**EXECUTIVE ACTION ON HB 175**

00:45:14 Chairman Stoker

00:45:15 **Motion:** Rep. Kottel moved that **HB 175 DO PASS.**

**Discussion:**

00:45:16 Chairman Stoker  
 00:45:39 Rep. Kottel  
 00:45:49 Mr. Niss

00:46:16 Chairman Stoker  
00:46:22 Rep. Peterson  
00:47:19 Chairman Stoker  
00:47:21 Rep. Kottel  
00:50:02 Chairman Stoker  
00:50:04 Rep. Howard  
00:50:26 Rep. Kottel  
00:50:56 Rep. Howard  
00:51:04 Rep. Kottel  
00:52:19 Chairman Stoker  
00:52:20 Rep. Blewett  
00:53:34 Chairman Stoker  
00:53:47 Rep. Blewett  
00:53:51 Chairman Stoker  
00:53:53 Rep. Peterson  
00:54:37 Chairman Stoker  
00:54:41 Rep. Bennett  
00:55:20 Chairman Stoker  
00:55:24 Rep. Wagner  
00:58:00 Chairman Stoker  
00:58:05 Rep. Peterson called the question.  
00:58:08 Chairman Stoker  
  
00:59:35 **Vote:** Motion that **HB 175 DO PASS** tied 9-9 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, Rep. Menahan voting aye. Rep. Ebinger voted by proxy.  
  
00:59:46 **Motion/Vote:** Rep. Peterson moved that **HB 175 BE TABLED**. Motion carried 16-2 with Rep. Becker and Rep. Driscoll voting no. Rep. Ebinger voted by proxy.  
  
01:01:08 Chairman Stoker  
01:01:15 Recess  
01:17:06 Reconvene  
01:17:07 Rep. Ebinger joined meeting.  
01:17:41 Mr. Niss  
01:19:41 Chairman Stoker

#### **EXECUTIVE ACTION ON HB 216**

01:21:04 Chairman Stoker  
01:21:07 **Motion:** Rep. Peterson moved that **HB 216 DO PASS**.

#### **Discussion:**

01:21:12 Chairman Stoker  
01:21:18 Rep. Kerns

01:21:27 Rep. Menahan

01:24:07 Chairman Stoker

01:24:37 **Substitute Motion/Vote:** Rep. Kerns made a substitute motion **TO POSTPONE HB 216** . Substitute motion carried unanimously by voice vote.

01:24:55 Chairman Stoker

01:25:55 Rep. Menahan

01:26:52 Chairman Stoker

**ADJOURNMENT**

01:26:59 Adjournment

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JENNIFER ECK, Secretary

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Additional Documents:

**EXHIBIT ([juh14aad.pdf](#))**